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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/054,180	04/01/1998	BRIAN J. REISTAD	06543035001	2217
24573 K&L Gates LLI	7590 03/10/200 <b>P</b>	EXAMINER		
P.O. Box 1135	60600	ELISCA, PIERRE E		
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			3621	
			MAIL DATE	DELIVERY MODE
			03/10/2009	PAPER

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Symmetry	09/054,180	REISTAD ET AL.				
Office Action Summary	Examiner	Art Unit				
	Pierre E. Elisca	3621				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 23 De	ecember 2008					
· <u> </u>	•					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
closed in accordance with the practice under <i>Ex parte Quayre</i> , 1933 C.D. 11, 403 C.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>12-36 and 39-63</u> is/are pending in the application.						
,	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7)⊠ Claim(s) <u>12-36 and 39-63</u> is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement					
are subject to restriction and/or	ciccion requirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.03(a).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
The patrol declaration is objected to by the Examiner. Note the attached office Action of form F10-132.						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4)  Interview Summary Paper No(s)/Mail Da 5)  Notice of Informal P 6)  Other:	ite				

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## **DETAILED ACTION**

1. This communication is in response to the Board of Appeal decision mailed on 12/23/2008.

2. Claims 12-36 and 39-63 are currently pending.

## Claim Objections

3. Claims 19, 20 and 22 are objected to under 37 CFR 1.75(c) as being in improper form. Claims 19, 20 and 22 should not be depend on a **cancel claim 3** (improper dependency). See MPEP § 608.01(n). Appropriate correction is required.

## Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Hoteler.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/ Primary Examiner, Art Unit 3621